

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB445

Hearing Date: Friday February 05, 2021
Committee On: Judiciary
Introducer: Hansen, M.
One Liner: Change requirements for peace officers taking juveniles into custody or interrogating juveniles and prohibit use of statements taken in violation of such requirements

Roll Call Vote - Final Committee Action:

Advanced to General File

Vote Results:

Aye:	5	Senators DeBoer, Lathrop, McKinney, Morfeld, Pansing Brooks
Nay:	2	Senators Geist, Slama
Absent:		
Present Not Voting:	1	Senator Brandt

Oral Testimony:

Proponents:

Senator Matt Hansen
Jennifer Houlden

Spike Eickholt

Opponents:

Steve Cerveny

Neutral:

Representing:

Introducer
Lancaster County Public Defender & Nebraska Criminal
Defense Attorneys Association
ACLU of Nebraska

Representing:

Omaha Police Department

Representing:

Submitted Written Testimony:

Proponents:

Julie Erickson
Amber Bogle

Opponents:

Michelle Weber

Neutral:

Representing:

Voices for Children
Children & Family Coalition of Nebraska

Representing:

Nebraska County Attorneys Association

Representing:

Summary of purpose and/or changes:

Current law prevents a court from accepting a plea from the juvenile until the juvenile's parents have been notified or reasonable efforts to notify the juvenile's parents have been made. Section 1 would amend Sec. 29-401 to replace "parents" with "parent, guardian, or custodian".

Section 2 would amend Sec. 43-248.01 to require law enforcement officers to inform a juvenile of efforts to contact their parent, guardian, or custodian and cease an interrogation until the juvenile can meet with such person. A statement taken in violation of this section would be inadmissible in criminal or juvenile court.

Section 3 would amend Sec. 43-249 to clarify a reference to the United States Constitution and make clear that a juvenile taken into custody is "arrested" for purposes of analysis under the Constitution and Sec. 43-248.01.

Section 4 would amend Sec. 43-250 to specifically require a juvenile's location and the reason a juvenile is taken into custody when notifying a parent, guardian, or custodian that a juvenile has been taken into custody.

Section 5 would amend Sec. 43-253 to clarify that when a juvenile probation officer releases a juvenile to the custody of a responsible relative or other responsible person, such person must be an adult.

Steve Lathrop, Chairperson